UNITED STATES DISTRICT COURT

Defendants.

EASTERN DISTRICT OF TEXAS

LARRY WAYNE RICHARD,

Plaintiff,

Versus

S

CIVIL ACTION NO. 1:19-CV-123

DONALD R. KELLY, et al.,

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Larry Wayne Richard, an inmate formerly confined at the Stiles Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing this action without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation. Plaintiff may reinstate this action on the court's active docket by filing a motion to reinstate within thirty days from the date of this order.

SIGNED at Beaumont, Texas, this 11th day of May, 2021.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE